

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF IOWA
EASTERN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

RONNIE LEROY SNYDER,

Defendant.

No. 04-CR-2008-LRR

ORDER

The matters before the court are Defendant Ronnie Leroy Snyder's Motion for Withdrawal of Guilty Plea ("Motion") (docket no. 42) and the Report and Recommendation (docket no. 67) which recommends that the Motion be denied.

I. PROCEDURAL HISTORY

On February 26, 2004, Defendant was charged in a two-count Indictment. Count 1 charged that, on about October 21, 2003, Defendant did knowingly and intentionally possess pseudoephedrine pills, a List I chemical, knowing and having reasonable cause to believe that the pseudoephedrine would be used to manufacture methamphetamine, a Schedule II controlled substance, in violation of 21 U.S.C. § 841(c)(2). Count 2 charged that, on about October 21, 2003, Defendant did knowingly and intentionally manufacture and attempt to manufacture a mixture or substance containing five grams or more of actual methamphetamine, a Schedule II controlled substance, in violation of 21 U.S.C. §§ 846, 841(a)(1) and 841(b)(1)(B).

On June 19, 2006, Defendant filed a Motion to Suppress requesting that the court suppress all evidence seized as a result of the execution of a warrant to search his residence. On July 7, 2006, Chief Magistrate Judge John A. Jarvey filed a Report and Recommendation which recommended the denial of Defendant's Motion to Suppress

(“Motion to Suppress Report and Recommendation”). On the same date, Defendant filed his Notice of Conditional Guilty Plea to Count 2 of the Indictment in which he reserved his right to appeal the issues raised in his Motion to Suppress, and Magistrate Judge Jarvey filed a Report and Recommendation which recommended the acceptance of Defendant’s guilty plea (“Guilty Plea Report and Recommendation”). On July 17, 2006, Defendant filed his Objections to the Motion to Suppress Report and Recommendation. On July 24, 2006, the court entered an order accepting the Guilty Plea Report and Recommendation. On August 14, 2006, the court entered an order adopting the Motion to Suppress Report and Recommendation and denying Defendant’s Motion to Suppress.

On September 28, 2006, Defendant filed a Motion for Substitution of Counsel and Motion for Withdrawal of Guilty Plea. On October 12, 2006, Magistrate Judge Jarvey held a hearing (“Hearing”) on the Motion for Substitution of Counsel and Motion for Withdrawal of Guilty Plea. On October 17, 2006, Magistrate Judge Jarvey entered an order denying Defendant’s Motion for Substitution of Counsel. On January 19, 2007, Magistrate Judge Jarvey filed a Report and Recommendation (“January 19, 2007 Report and Recommendation”) which recommends the denial of Defendant’s Motion for Withdrawal of Guilty Plea. Magistrate Judge Jarvey notes that Defendant’s Motion for Withdrawal of Guilty Plea was inadvertently terminated when he entered his October 17, 2006 order denying Defendant’s Motion for Substitution of Counsel.

II. ANALYSIS

The district court judge is required to make a *de novo* determination of those portions of a magistrate judge’s report and recommendation to which a movant objects. 28 U.S.C. § 636(b)(1)(C); *see also United States v. Lothridge*, 324 F.3d 599, 600 (8th Cir. 2003). The district court judge may accept, reject or modify, in whole or in part, the magistrate judge’s findings or recommendations. 28 U.S.C. § 636(b)(1); *see also United States v. Trice*, 864 F.2d 1421, 1424 (8th Cir. 1988). Objections to the January 19, 2007

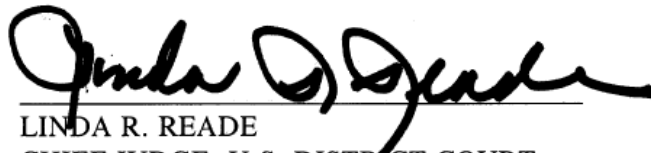
Report and Recommendation were due on January 26, 2007. Defendant did not file an objection. Accordingly, the court adopts Magistrate Judge Jarvey's January 19, 2007 Report and Recommendation in its entirety.

III. CONCLUSION

IT IS ORDERED:

- (1) The court **DENIES** Defendant Ronnie Leroy Snyder's Motion to Withdraw his Guilty Plea (docket no. 42) and
- (2) The court **ADOPTS** Magistrate Judge Jarvey's January 19, 2007 Report and Recommendation (docket no. 67).

DATED this 29th day of January, 2007.


LINDA R. READE
CHIEF JUDGE, U.S. DISTRICT COURT
NORTHERN DISTRICT OF IOWA